

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DIVISION: Lufkin

§ DATE: 10/19/10

JUDGE: RON CLARK

§

§ REPORTER: CHRIS BICKHAM

Affinity Labs of Texas

§

§ CIVIL NO.: 9:08CV164

PLAINTIFF

§

§

BMW North America, et al

§

DEFENDANT

§ C/R DEPUTY: Faith Ann Laurents

Attorneys for Plaintiff: Tom Sankey, Woody Jameson, Matt Gaudet, et al

Attorneys for Defendant: Mark Hannemann, Deron Dacus, Mike Lennon, Silke Kampe, et al
Steve Zager, Thad Heartfield, Jin Park, Ruben Munoz, et al

THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING

PROCEEDINGS WERE HAD: 8:40 am Court resumed, jury seated. Cross of Mr. White

continued by Mr. Hannenman. Mr. Jameson objected, Court instructed. Objection, overruled.

VDX#227 admitted. 9:05 am Cross by Mr. Zager. 9:20 am Redirect by Mr. Jameson.

VDX#230 admitted. Mr. Hannemann objected, sustained. 9:43 am Re-cross by Mr.

Hannemann. 9:43 am Re-cross by Mr. Zager. 9:45 am Court recessed. 10:00 am Court

resumed. Mr. Gaudet gave interim. 10:05 am Witness, Kevin Imes, called by video deposition.

10:20 am Mr. Gaudet gave interim statement. 10:22 am Witness, Emily Schubert, called by video

deposition. 11:00 am Court recessed. 11:15 am Court resumed. PX# 535c, 535a admitted.

Video continued. 11:22 am Mr. Gaudet read into the record PX#'s used in the Schubert

deposition. PX#'s 416, 418, 420, 421, 423, 424, 425, 426, 428, 429, 430, 431, 433, 435. Mr.

Sankey called Witness Dieter Loersch. Court instructed jury regarding Rule 30(b)(6) experts.

DAVID J. MALAND, CLERK

/s/ Faith Ann Laurents

Deputy Clerk

TOTAL TIME: 6 hrs. 30 mins.

✓ See Addt'l. Proceedings

ADDITIONAL PROCEEDINGS:

Mr. Sankey gave interim statement. 11:30 am witness sworn. Both German interpreters sworn.

Cross by Mr. Sankey began. PX#593, 558, 557, 142, 143, 174, 147, 761, 183 admitted. 12:15

pm Jury excused for lunch. Parties informed Court of stipulation regarding models. Court heard

objections to exhibits from Ms. Johnson. Court instructed PX#'s 142 and 143 to be sealed.

Court instructed counsel to confer regarding objections. Court will hear unresolved issues after

counsel confer. 12:15 pm Jury recessed. 12:35 pm Court recessed. 1:30 pm Court resumed.

Court ruled PX#'s 416, 418, 420, 421, 423, 424, 425, 426, 429, 430, 435 are sealed. Jury seated,

direct continued. PX#184, 187, 721, 619 admitted. PX#764 shown briefly then removed by

Court. PX#764 NOT admitted at this time. 2:15 pm Court recessed. Court instructed counsel

regarding exhibit. 2:30 pm Court resumed. PX#718 admitted. Cross by Mr. Hannemann. 2:43

pm Witness stepped down. Witness, Sung Woo Park, called via video deposition. 3:45 pm

Court recessed. 4:00 pm Court resumed. 4:50 pm Mr. Gaudet and Mr. Park read into record the

exhibits admitted during the Park deposition. The following exhibits were admitted: PX#'s 47,

48, 51, 52, 57, 60, 62, 63, 66, 74, 768, 693, and HKDX#'s 181, 182, 184, 186, 187. Witness,

Michael Dietz, sworn and direct by Mr. Jameson began. PX#51, 678 admitted. 5:00 pm jury

recessed. Court and counsel will meet off the record to discuss charge. 5:05pm Court recessed.
